
Introduced by Senators Romero and Aanestad

February 22, 2005

An act relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 719, as introduced, Romero. Public agency: liability: immunity.

Under existing law, a public agency employing peace officers that adopts a written policy on vehicular pursuits complying with specific standards is immune from liability for civil damages for personal injury to, or the death of, any person or damage to property resulting from the collision of a vehicle being operated by an actual or suspected violator of the law who is being, has been, or believes he or she is being, or has been, pursued by a peace officer employed by the public entity in a motor vehicle.

This bill would declare the intent of the Legislature to enact appropriate legislation to develop a policy governing vehicular pursuits by law enforcement to protect the public safety, lives, and property of the people of the state.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares the
- 2 following:
- 3 (1) Law enforcement officers in California engage in
- 4 thousands of pursuits each year, many resulting in accidents,
- 5 property damage, serious injuries, and death to innocent third
- 6 parties, police, and fleeing suspects.

1 (2) California leads the nation in the number of innocent
2 bystanders killed in pursuits. A study by the National Highway
3 Traffic Safety Administration (NHTSA) indicated that in 2001
4 there were 51 deaths in California that resulted from police
5 pursuits. Twenty-two of the 51 deaths were innocent bystanders.

6 (3) Pursuit driving is a dangerous activity that must be
7 undertaken with due care and with the understanding of specific
8 risks as well as the need for realistic methods to apprehend a
9 fleeing suspect.

10 (b) It is, therefore, the intent of the Legislature to enact
11 appropriate legislation to develop a policy governing vehicular
12 pursuits by law enforcement to protect the public safety, lives,
13 and property of the people of the State of California.